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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/475,531 | 12/30/1999 | W. DAVID CONLEY | 19260-1780 | 6461 |

23370 7590 06/05/2002

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EXAMINER

NGUYEN, DUC MINH

ART UNIT PAPER NUMBER

2643

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary

Application No.

09/475,531

Applicant(s)

CONLEY, W. DAVID

Examiner

Duc Nguyen

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-17 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-11 and 18-25 is/are rejected.
- 7) ☒ Claim(s) 4 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2643

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7, 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casner (4,517,411) in view of Carnegie (5,745,884).

Consider claims 1-2, 7, 18. Casner teaches a method for charging a fee for a telephone call direct to a called telephone number, comprising generating a false dial tone (dial tone generated by the PBX or PABX; col. 3, ln. 38-49); receiving the called telephone number and billing information (credit card, called telephone number, station number and/or room number; col. 3, ln. 38 to col. 4, ln. 17); maintaining the false dial tone (col. 3, ln. 38 to col. 4, ln. 26); if the billing information is valid (col. 4, ln. 18-26), then releasing the false dial tone; seizing a true dial tone (dial tone provided by the DDD network; col. 4, ln. 18-22); and placing the telephone call to the called telephone number (col. 3, ln. 38 to col. 4, ln. 26).

Casner does not teach charging a set activation fee for the telephone call.

Carnegie teaches that it was well known to charge a set activation fee for the telephone call (the use of a telephone, facsimile machine or telecommunication equipment of a motel/hotel;

Art Unit: 2643

additional surcharges; col. 2, ln. 21-32; AP 110, col. 6, ln. 61 to col. 7, ln. 67; col. 11, ln. 64 to col. 13, ln. 6). It is also well known that the set activation fee is the same for every telephone call placed from the set activation fee telephone (e.g., \$0.25 in most hotel and 35.00-55.00 cents at public payphone).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Carnegie into the teachings of Casner, so that the telephone owner can earn some profits and recoup losses from providing telephone service to the guest.

Consider claims 3, 5, 21-22. Casner further teaches determining whether the originating number corresponds to an entry in a billing database (col. 3, ln. 64 to col. 4, ln. 17).

Consider claim 19. Casner further teaches using the call parameters and activation fee to compute a charge for the telephone call (col. 4, ln. 22-26).

Consider claim 20. Casner further teaches determining the called telephone number and the billing information originated from a telephone having an originating telephone number (col. 3, ln. 57 to col. 4, ln. 17); and determining the originating telephone number is associated with a set activation fee pay phone (see Carnegie, the use of a telephone, facsimile machine or telecommunication equipment of a motel/hotel; additional surcharges; col. 2, ln. 21-32; AP 110, col. 6, ln. 61 to col. 7, ln. 67; col. 11, ln. 64 to col. 13, ln. 6).

Consider claim 23. Casner teaches a method for calculating charge for a telephone call, comprising monitoring a telephone call placed to a called telephone number (col. 4, ln. 22-26);

Art Unit: 2643

determining whether the telephone call originated from a telephone having an originating telephone number that corresponds to an entry in a database (col. 3, ln. 57 to col. 4, ln. 17); and calculating the charge for the telephone call (col. 4, ln. 22-26).

Casner does not teach determining and charging a set activation fee for the telephone call, the activation fee is independent from the charge for the telephone call.

Carnegie teaches that it was well known to charge a set activation fee for the telephone call (the use of a telephone, facsimile machine or telecommunication equipment of a motel/hotel; additional surcharges; col. 2, ln. 21-32; AP 110, col. 6, ln. 61 to col. 7, ln. 67; col. 11, ln. 64 to col. 13, ln. 6). It is also well known that the set activation fee is the same for every telephone call placed from the set activation fee telephone (e.g., \$0.25 in most hotel and 35.00-55.00 cents at public payphone). It would have been obvious that the activation fee is independent from the charge for the telephone call (for instance, the guest uses a calling card to make a long distance call. The hotel/motel charge the guest \$0.25 for the activation fee. The phone company charges the guest for the long distance call which is billed to guest's calling card).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Carnegie into the teachings of Casner, so that the telephone owner can earn some profits and recoup losses from providing telephone service to the guest.

Consider claim 24. Casner further teaches the limitations of claim 24 in (col. 4, ln. 22-26).

Art Unit: 2643

Consider claim 25. Casner further teaches prior to placing the telephone call, determining whether billing information for the telephone call is valid (col. 3, ln. 57 to col. 4, ln. 17).

3. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casner (4,517,411) in view of Joyce et al (6,320,947) and Carnegie (5,745,884).

Consider claims 8-10. Casner teaches a method for charging a fee for a telephone call direct to a called telephone number, comprising receiving the called telephone number and billing information (credit card, called number, station number and room number; col. 3, ln. 38 to col. 4, ln. 17); and determining whether the telephone number corresponding to the pay telephone is present in the second database (program memory card 50; col. 3, ln. 38 to col. 4, ln. 12).

Casner teaches credit card call (col. 3, ln. 38-49). However, Casner does not clearly teach in the event that the billing information is present in the first database, placing the telephone call; otherwise, inherently informing the caller that the telephone call may not be placed.

Joyce teaches in the event that the billing information is present in the first database (computer host), placing the telephone call (col. 2, ln. 23-58); otherwise, inherently informing the caller that the telephone call may not be placed (note that only upon verification and authorization of the entered information and the prepaid card balance, the user is then connected to the network; col. 2, ln. 23-58).

Art Unit: 2643

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Joyce into the teachings of Casner in order to prevent unauthorized user to use the credit or calling card.

Casner in view of Joyce does not teach in the event the telephone number corresponding to the pay phone is present in the second data base, charging a set activation fee for the telephone call.

Carnegie teaches that it was well known to charge a set activation fee for the telephone call (the use of a telephone, facsimile machine or telecommunication equipment of a motel/hotel; additional surcharges; col. 2, ln. 21-32; AP 110, col. 6, ln. 61 to col. 7, ln. 67; col. 11, ln. 64 to col. 13, ln. 6). It is also well known that the set activation fee is the same for every telephone call placed from the set activation fee telephone (e.g., \$0.25 in most hotel and 35.00-55.00 cents at public payphone).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Carnegie into the teachings of Casner in view of Joyce, so that the telephone owner can earn some profits and recoup losses from providing telephone service to the guest.

Consider claim 11. Casner further teaches the billing information comprises the group of credit card (col. 3, ln. 45-49) or a telephone account number (col. 3, ln. 64 to col. 4, ln. 17).

Art Unit: 2643

Allowable Subject Matter

4. Claims 12-17 are allowed over the prior art of record.
5. Claims 4, 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (703) 308-7527.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Kuntz, can be reached on (703) 305-4708.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 or (703) 308-6296 (Group's Fax numbers)
(703) 746-7251 (Examiner's Fax number, only for proposed amendment)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

May 28, 2002


DUC NGUYEN
PRIMARY EXAMINER